

BEFORE THE
Federal Communications Commission

In the Matter of:)
)
THE FLORIDA CHANNEL)
An Internet Protocol-Delivered Video)
Programming Service)
)
Petition for Declaratory Ruling or Partial Exemption)
Pursuant to §§1.02 and 79.4(d) of the Commission's Rules)

To: Chief, Media Bureau

SUPPLEMENT TO
PETITION FOR DECLARATORY RULING OR PARTIAL EXEMPTION
PURSUANT TO §§1.2 AND 79.4(d) OF THE RULES

The Florida Channel ("TFC"), an Internet protocol-delivered video programming service, by its attorneys, hereby supplements the Petition that it filed on November 7, 2012 to clarify Paragraphs 9, 10, and 11(i) of Section III (Request for Partial Exemption from Section 79.4). The additional language inserted into those paragraphs with boldface type and underlining clarifies that a partial exemption is being requested because long-form, full event, "gavel-to gavel" coverage will need to be RE-captioned in order to comply with the rule.

III. REQUEST FOR PARTIAL EXEMPTION FROM SECTION 79.4

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9. At this time, TFC is able (with new, recently purchased encoding technology) to "pass through" the closed-captioning of the "live" 24/7 feed to the corresponding "live" IP delivered web stream. However, the technology available *does not allow* TFC to simply "pass through" the captioning from the 24/7 live TV feed and web stream to the separately

(trimmed) archived files of produced programming and “live” or “as-live” long-form events. (This is because the trimming of the individual files disrupts the time code reference necessary for the captioning to be in-sync with the appropriate video/audio.) Therefore, these files must either be individually re-captioned or must obtain individual text files (of captioning) and have them “synched” with the video files for each event. According to TFC’s current captioning provider (Media Captioning Services), the cost associated with creating text files for separate long-form meetings is expensive because they have to use multiple, sequential captioners (with some overlap). They have quoted an hourly cost of \$250 for re-captioning the files to be archived (compared to \$72 an hour for the live feed). It is important to note that the \$250 hourly fee only covers the re-captioning of the files. It does not cover the costs associated with the additional personnel TFC would have to hire to prepare and trim the files for re-captioning or the contract costs of syncing the text files with video for archiving. Thus, TFC estimates that, at a minimum, it will cost it an additional \$690,000 annually to caption its archived long-form, gavel-to-gavel files with its current provider. To do this would mean that it would have to spend more than 30% of its total budget on captioning, instead of the current 11%. TFC submits that such an additional expense would be extremely economically burdensome and would have a dramatic, negative impact on its ability to function. To increase the total captioning budget from \$380,462 to \$1,070,462 would be devastating to TFC’s employees, overall operations and coverage.

10. Importantly, TFC is not asking for an exemption from all captioning. Rather, TFC is undertaking to caption its IP archives of all produced (packaged) video programming (all the programming that “summarizes/reports on” its event coverage): *Capitol Update*, *News Brief*, *Florida Face to Face*, *Florida Crossroads* and its “explainer interstitials” (i.e., interstitial pieces on the proposed amendments to the Florida Constitution and other explainer pieces that are *not required*

to be captioned). It is important that TFC continues to be able to produce an average of 2500 hours of programming annually - within budget. Therefore, TFC respectfully requests a partial exemption from Section 79.4: exempting TFC from re-captioning its IP archives of the long-form, full event, "gavel-to-gavel" coverage that it voluntarily captions for TV – programming that is NOT "generally comparable to programming provided by a television broadcast station."

11. Specifically addressing the four exemption criteria stated in Section 79.4(d)(2):

(i) The nature and cost of the closed captions for programming:

While the technology is certainly being worked on and improved, there is currently nothing available on the market to caption or re-caption live, multi-voiced programming or events without incurring significant expense. TFC spends 11% of its total funding on closed captioning (B-2 and B-3) and it is estimated that to re-caption all archived long-form, gavel-to-gavel video files, it will cost an additional \$690,000 annually (at minimum). This would increase the percentage of TFC's total budget spent on captioning from 11% to (at a minimum) 30% and is economically burdensome.

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Respectfully submitted,

THE FLORIDA CHANNEL

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